

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAKAJA HARDEN,

Defendant.

8:09CR205

ORDER

Defendant Wakaja Harden appeared before the court on August 31, 2018 on an Amended Petition for Offender Under Supervision [86]. The court will dismiss the Petition for Offender Under Supervision [76] pursuant to the government's oral motion and proceed with the Amended Petition [86]. The defendant was represented by Assistant Federal Public Defender Michael F. Maloney, and the United States was represented by Assistant U.S. Attorney Russell X. Mayer.

Through his counsel, the defendant waived his right to a probable cause hearing on the Amended Petition for Offender Under Supervision [86] pursuant to Fed. R. Crim. P. 32.1(b)(1). The court finds there is probable cause to believe the violation has occurred and that the defendant has violated the conditions of his supervised release as alleged. The defendant will be held to answer for a final dispositional hearing before Senior Judge Bataillon.

The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. The Petition for Offender Under Supervision [76] is dismissed on the oral motion of the government.

2. A final dispositional hearing will be held before Senior Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on October 4, 2018 at 2:30 p.m. The defendant must be present in person.

3. The defendant, Wakaja Harden, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

4. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 5th day of September, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge